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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/532,763	04/20/2005	Paul Gibson	HGF2	2695
6980	7590	08/25/2006	EXAMINER	
TROUTMAN SANDERS LLP 600 PEACHTREE STREET, NE ATLANTA, GA 30308			KENNEDY, JOSHUA T	
			ART UNIT	PAPER NUMBER
			3679	

DATE MAILED: 08/25/2006

Please find below and/or attached an Office communication concerning this application or proceeding.

<b>Office Action Summary</b>	Application No. 10/532,763	Applicant(s) GIBSON ET AL.	
	Examiner Joshua T. Kennedy	Art Unit 3679	<i>JK</i>

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

**Period for Reply**

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

**Status**

- 1) ☒ Responsive to communication(s) filed on 7/17/06.
- 2a) ☒ This action is **FINAL**.                      2b) ☐ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

**Disposition of Claims**

- 4) ☒ Claim(s) 1-13 and 17-21 is/are pending in the application.
- 4a) Of the above claim(s) \_\_\_\_\_ is/are withdrawn from consideration.
- 5) ☐ Claim(s) \_\_\_\_\_ is/are allowed.
- 6) ☒ Claim(s) 1,2,5-7,10,11 and 17-21 is/are rejected.
- 7) ☒ Claim(s) 3,4,8,9,12 and 13 is/are objected to.
- 8) ☐ Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

**Application Papers**

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on \_\_\_\_\_ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.  
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).  
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

**Priority under 35 U.S.C. § 119**

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All    b) ☐ Some \*    c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

\* See the attached detailed Office action for a list of the certified copies not received.

**Attachment(s)**

- |   |   |
|---|---|
| 1) <input type="checkbox"/> Notice of References Cited (PTO-892)                        | 4) <input type="checkbox"/> Interview Summary (PTO-413)                     |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948)    | Paper No(s)/Mail Date. _____  |
| 3) <input type="checkbox"/> Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08) | 5) <input type="checkbox"/> Notice of Informal Patent Application (PTO-152) |
| Paper No(s)/Mail Date _____   | 6) <input type="checkbox"/> Other: _____                                    |

## DETAILED ACTION

Claims 1-13 and 17-21 have been examined.

### ***Claim Rejections - 35 USC § 102***

The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

Claims 1, 2, 5-7, 10, 11, and 17-20 are rejected under 35 U.S.C. 102(b) as being anticipated by Ley (US 3,467,446).

As to Claims 1, 6, and 10. Ley discloses an articulated track comprising

i) a plurality of adjacent track links (27,28), each track link including first (25) and second track pins (26) arranged parallel to one another and passing through the track link (Fig 1), each track pin including a radially directed groove (30,31) towards an end thereof; and

ii) a plurality of end connectors (Col 1, Lines 22-28),

wherein the end connectors comprise:

(a) a body portion including first and second side portions respectively at least partially defining first and second passageways (23,24), the first passageway receiving a first

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track pin (25) of a first track link (27) and the second passageway being adapted to receive a second track pin (26) of an adjacent second track link (28), first and second intermediate portions (Fig 2; Examiner considers the intermediate portions to be the body section, located in between the ends, that extends vertically around the bolt 17, the first intermediate portion being the bottom, middle portion and the second intermediate portion being the top, middle portion) disposed between the first and second side portions and a bore (35) passing through the first and second intermediate portions between and perpendicular to the track pins (Fig 2);

(b) a securing element (32);

(c) a securing bolt (17) having a head portion and a shank portion which shank portion co-operates with the bore (Fig 2); and

(d) means for securing the securing bolt on the body portion, wherein the securing element comprises first (32) and second (33,34) arm portions arranged at an angle with respect to each other (Fig 1; Examiner considers the main portion 32 to be at a right angle with the arm portions 33 and 34); the first arm portion (32) being secured between an outer surface of the first intermediate portion and the head portion of the securing bolt (Fig 2 shows the arm portion, 32, to be located between an outer surface of the first intermediate portion and the head portion of the bolt) and the second arm portion including opposed marginal edges (33,34) which are arranged to partially penetrate or overlie the respective first and second passageways (23,24) and which first and second marginal edges (33,34) co-operate with the respective radially directed grooves (30,31) of the track pins to retain the end connector on the track pins (Fig 5).

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As to Claims 2, 7, and 11. Ley et al disclose the bore and shank portion of the end connector have co-operating threads (Fig 2).

As to Claim 5. Ley et al disclose the first arm portion including a hole for passage (Fig 1) through the first arm portion of the shank portion of the securing bolt (17).

As to Claims 18-20. Ley et al disclose the first and second arm portions of the securing element lying in different planes (Examiner considers the two arm portions to lay in different planes when looking at the securing element from above (as in Figure 1); the first arm portion (32) lying in the Y-axis plane and the second arm portion (33,34) along the X-axis plane).

### ***Claim Rejections - 35 USC § 103***

The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

Claims 17 and 21 are rejected under 35 U.S.C. 103(a) as being unpatentable over Ley in view of Seebach et al (US Patent 3,467,446).

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Ley discloses the track connector significantly as claimed, however, does not disclose a tracked vehicle utilizing the articulated tracks for movement.

Seebach et al teach similar vehicle track end connectors (5) that are "found in vehicles where the danger to the track from rough terrain to be traversed...is too great to make the use of rubber tracks practicable" (Col 1, 22-38). It would have been obvious to one of ordinary skill in the art at the time the invention was made to modify Ley to be used in conjunction with a tracked vehicle to secure the individual tracks together as the vehicle traverses any type of terrain.

As to Claim 21. Ley et al disclose the first and second arm portions of the securing element lying in different planes (Examiner considers the two arm portions to lay in different planes when looking at the securing element from above (as in Figure 1); the first arm portion (32) lying in the Y-axis plane and the second arm portion (33,34) along the X-axis plane).

### ***Allowable Subject Matter***

Claims 3, 4, 8, 9, 12, and 13 are objected to as being dependent upon a rejected base claim, but would be allowable if rewritten in independent form including all of the limitations of the base claim and any intervening claims.

The following is a statement of reasons for the indication of allowable subject matter:

The primary reason for the allowance of the claims is the inclusion of the limitations:

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“the first intermediate portion of the end connectors being shorter than the second intermediate portion in a direction parallel to the longitudinal axes of the track pins” (Claims 3, 8, and 12), “an abutment surface operative to co-operate with a leading edge of the second arm portion to resist movement of the second arm portion in a direction away from the body portion generally parallel to the longitudinal axes of the track pins” (Claims 3, 8, and 12), and “the abutment surface is defined by a channel formed in said inner face which channel operatively receives the leading edge of the second arm portion” (Claims 4, 9, and 13) which are not found in the prior art references. The prior art of record, Ley, discloses a connecting means for track link members having a securing element cooperating with corresponding grooves on parallel track pin members but does not show the securing element having a first intermediate portion being shorter than a second intermediate portion nor does it show an abutment surface being a channel in the inner face which resists movement of the second arm portion in a direction away from the body portion generally parallel to the longitudinal axes of the track pins.

No teaching or suggestion, absent the applicant's own disclosure to modify the end connector as disclosed by Ley to have the aforementioned elemental features.

### ***Response to Arguments***

Applicant's arguments filed 7/17/2006 have been fully considered but they are not persuasive.

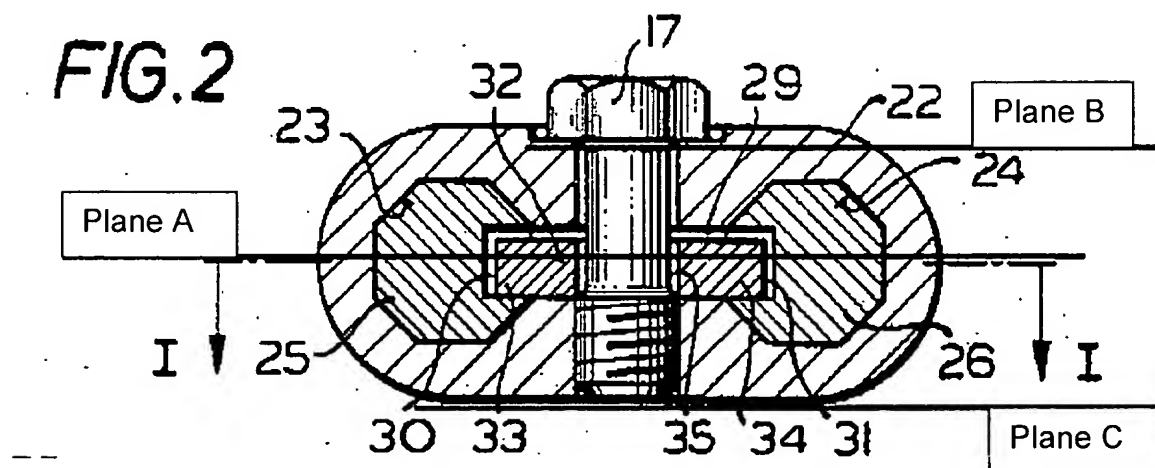
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As to the Claims, Applicant argues:

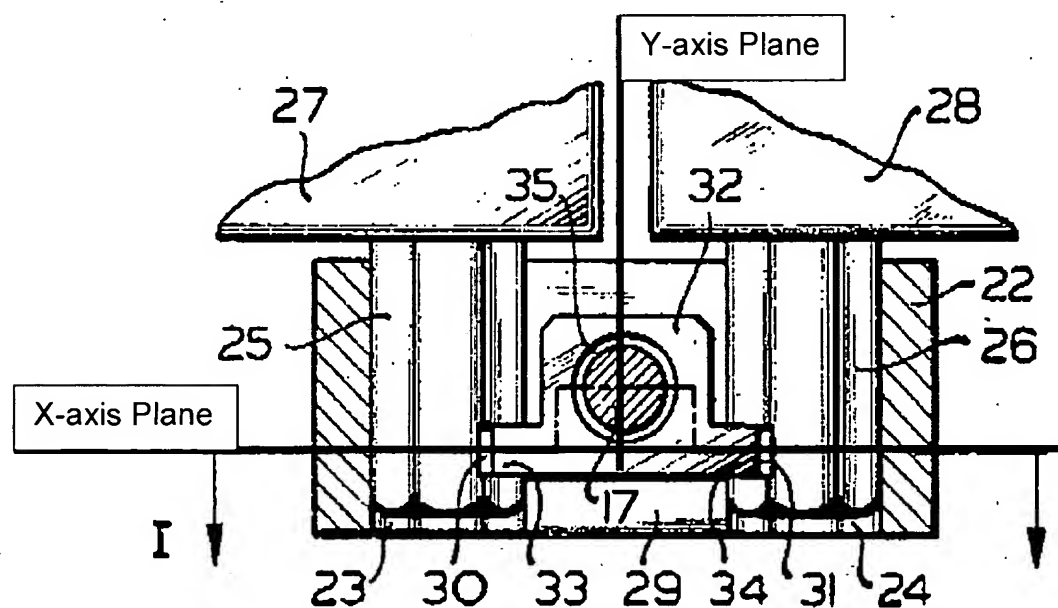
*"No portion of the securing element of Ley lies outside of the body portion... The securing element of Ley contacts... only the inner surfaces of the Ley body portion/intermediate portions."*

Examiner respectfully disagrees. As broadly as can be reasonably interpreted the securing element lay between an outer surface (as noted correctly on Applicants construction of Page 11 of Applicants response and in Examiner's Figure 1 below) and the head portion (17) of the securing bolt. To clarify the Examiner's position, in this particular view, the securing element lies in a plane A, the securing bolt in a plane B, and the outer surface in plane c. Plane A is located between Planes B and C; hence the securing element lay between an outer surface and the head portion.

Examiner's Figure 1







***Conclusion***

The prior art made of record and not relied upon is considered pertinent to applicant's disclosure.

US 4,910,990 to Delio cited to show a similar track connector having a body portion and securing bolt to secure 2 pins parallel to each other.

US 4,838,623 to Mineart cited to show a similar end connector having a body portion and securing bolt to secure 2 pins parallel to each other also having a securing element.

US 5,330,473 to Howland cited to show a fixation connector having 1 body secured to a second by a bolt.

US 4,136,913 to Pietzsch et al cited to show an end connector having grooves in the pins and corresponding grooves within the connector.

US 4,041,580 to Turner et al cited to show an end connector having grooves in the pins and corresponding grooves within the connector.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Joshua T. Kennedy whose telephone number is (571) 272-8297. The examiner can normally be reached on M-F: 7am - 3:30 pm.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Daniel P. Stodola can be reached on (571) 272-7087. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

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Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).



JTK  
8/17/2006



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